

Attorney Docket No. 2001B068

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : T. Xu et al.

Group Art Unit: 1764

Appl. No : 09/892,307

Examiner: T. D. Dang

Filed : June 26, 2001

Confirm. No.: 2337

For : PRODUCTION OF LIGHT OLEFINS FROM OXYGENATE USING  
FRAMEWORK GALLIUM-CONTAINING MEDIUM PORE  
MOLECULAR SIEVE**PETITION UNDER 37 CFR 1.181 TO WITHDRAW  
A HOLDING OF ABANDONMENT**Commissioner for Patents  
Washington, D.C. 20231

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AUG 25 2006

Sir:

OFFICE OF PETITIONS

This petition is submitted in response to a Notice of Abandonment mailed May 30, 2003. Applicant respectfully petitions the Commissioner to withdraw its holding of abandonment for the above-referenced case and consider the Amendment Under 37 CFR 1.111.

**REMARKS**

On October 7, 2002, an Office Action was mailed to Applicants. Applicants received the Office Action on October 13, 2003. The time for responding to the Office Action expired on January 7, 2003, without extension. Applicants mailed an Amendment Under 37 CFR 1.111 to the Office Action on January 6, 2003. The Amendment Under 37 CFR 1.111 and the Amendment Transmittal Letter were signed by Attorney for Applicants, Paul T. Lavoie on January 6, 2003. A certificate of mailing on the Amendment Transmittal Letter was signed by Shannon M. Borom certifying that the amendment and accompanying documents were deposited in the mail on January 6, 2003. Thus, the Amendment was timely filed. We enclosed a return receipt post card with the

Serial No. 09/892,307

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Attorney Docket No. 2001B068

correspondence, the post card was not returned from the United States Patent and Trademark Office to our mailing address. Nonetheless, as established by sworn testimony, the papers were duly executed and deposited in the mail in a timely manner.

These facts are supported by a declaration of Shannon M. Borom, including as Attachment A thereto, a copy of "Amendment Transmittal Letter, Post Card, and Amendment Under 37 CFR 1.111. Consideration of the amendment and reconsideration of the holding of abandonment is requested.

Respectfully submitted,

Dated: July 16, 2003



Paul T. LaVoie  
Attorney for Applicants  
Registration No. 38,681  
Telephone-281 834-5080

ExxonMobil Chemical Company  
BCIT Law Technology  
5200 Bayway Drive  
P.O. Box 2149  
Baytown, Texas 77520-9728

Serial No. 09/892,307

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Attorney Docket No. 2001B068

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : T. Xu et al.

Group Art Unit: 1764

Appl. No : 09/892,307

Examiner: T. D. Dang

Filed : June 26, 2001

Confirm. No.: 2337

For : PRODUCTION OF LIGHT OLEFINS FROM OXYGENATE USING  
FRAMEWORK GALLIUM-CONTAINING MEDIUM PORE  
MOLECULAR SIEVE

**DECLARATION OF SHANNON M BOROM IN SUPPORT OF A  
PETITION UNDER 37 CFR 1.181 TO WITHDRAW  
A HOLDING OF ABANDONMENT**

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Commissioner for Patents  
Washington, D.C. 20231

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Shannon M Borom, having declares and states as follows:

1. My name is Shannon M. Borom, I am a patent administrative assistant at ExxonMobil Chemical Corporation. I work at 5200 Bayway Drive, in Baytown, Texas.
2. On January 6, 2003, I prepared an Amendment Transmittal Letter, and Postcard to accompany the Amendment under 37 CFR 1.111 prepared for the signature of Paul T. Lavoie.
3. Upon execution of the Amendment under 37 CFR 1.111 and Amendment Transmittal Letter, I signed the certificate of mailing which stated, "I certify that this document and fee is being deposited on January 6, 2003 with the U.S. Postal Service as first class mail under 37 CFR 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231."
4. A copy of Amendment Transmittal Letter, Postcard and Amendment under 37 CFR 1.111 were deposited in the mail on June 6, 2003. A true and correct copy of Amendment Transmittal Letter, Postcard and Amendment under 37 CFR 1.111 that were deposited in the mail on June 6, 2003 are attached as Attachment A.

Serial No. 09/892,307

- 1 -

Attorney Docket No. 2001B068

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 16<sup>th</sup> day of July, 2003



Shannon M Borom  
Declarant

Serial No. 09/892,307

- 2 -

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**AUG 25 2006**


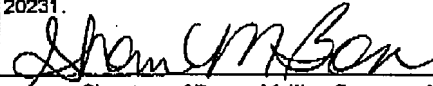
**OFFICE OF PETITIONS**

**ATTACHMENT A**

**COPY OF  
AMENDMENT TRANSMITTAL LETTER  
POSTCARD  
AMENDMENT UNDER 35 CFR 1.111**

Serial No. 09/892,307

- 3 -

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>				Docket No. 2001B068	
Applicant(s): T. Xu, et. al.					
Serial No. 09/892,307	Filing Date June 26, 2001	Examiner T. D. Dang	Group Art Unit 2337		
Invention: Production Of Light Olefins From Oxygenate Using Framework Gallium-Containing Medium Pore Molecular Sieve					
<b>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</b>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22 -	21 =	1 x	\$18.00	\$18.00
INDEP. CLAIMS	4 -	3 =	1 x	\$84.00	\$84.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$102.00</b>
<input type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 05-1712 in the amount of \$102.00 A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 05-1712 A duplicate copy of this sheet is enclosed. <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: January 06, 2003		
Paul T. LaVoie Reg. No.: 38,681 ExxonMobil Chemical Company			<b>RECEIVED</b>  <b>AUG 25 2006</b>  <b>OFFICE OF PETITIONS</b>		
CC:			<div style="border: 1px solid black; padding: 5px;">         I certify that this document and fee is being deposited on 01/06/03 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.            Signature of Person Mailing Correspondence          Shannon M. Borom          Typed or Printed Name of Person Mailing Correspondence       </div>		

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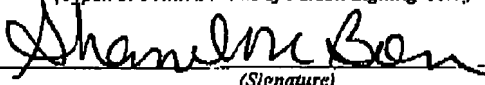
Application Serial No. 09/392307 Filed June 26, 2001

Type of Paper Response to Amendment  
under 37 CFR 1.111

Family No. 2001B068

Date Mailed January 6, 2003

158  
PTU/smb

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No.
Applicant(s): Pettigrew, et. al.			2001B068
Application No. 09/892,307	Filing Date June 26, 2001	Examiner Thuan D. Dang	Group Art Unit 1764
Invention: Production Of Light Olefins From Oxygenated Using Framework Gallium-Containing Medium Pore Molecular Sieve			
<div style="text-align: right;"><b>RECEIVED</b> CENTRAL FAX CENTER AUG 02 2006</div>			
I hereby certify that this <u>Status Inquiry, with Copy of Petition to Withdraw Holding of Aband. (23 pgs ttl)</u> <small>(Identify type of correspondence)</small>			
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u> )			
on <u>August 2, 2006</u> <small>(Date)</small>			
<div style="text-align: center;">Shannon M. Borom <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small></div>			
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Page 001

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JUL-16-2003 09:39		281 834 0305 F-01	
<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. 30011068
Applicant(s): T. X. et al.			
Serial No. 09/03000- 322	Filing Date June 25, 2003	Examiner T. D. Dang	Group Art Unit 1764
Inventor: Production Of Light Effects From Oxygenate Using Framework Gelatin-Containing Mediums For Molecular Sieves			
<p>I hereby certify that this <u>Trans. Form, Petition 37 CFR 1.8(a) with Dist. Copy of Resp. 37 CFR 1.11(a)</u>  <small>(Identify type of correspondence)</small>          is being facsimile transmitted to the United States Patent and Trademark Office (Fax: No. 703-272-0310)</p> <p>on <u>July 16, 2003</u>  <small>(Date)</small></p> <p style="text-align: center;"> <u>Shannon M. Burgen</u>  <small>Director or Deputy Director of Patent &amp; Trademark Office</small>    <small>(Signature)</small> </p> <p style="text-align: center;">Note: Each page must have its own certificate of mailing.</p> <p style="text-align: right; font-size: 1.5em;">JUL 16 2003</p>			
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 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/892,307	
	Filing Date	June 26, 2001	
	First Named Inventor	Teng Xu	
	Group Art Unit	1764	
	Examiner Name	T. D. Dang	
Total Number of Pages in This Submission	18	Attorney Docket Number	2001B068

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition Under 37 CFR 1.181 to withdraw A Holding of Abandonment, Declaration, Copy of Response to 37 CFR 1.111 and Certificate of Facsimile Transmission
Remarks		<b>RECEIVED</b> <b>AUG 25 2006</b> <b>OFFICE OF PETITIONS</b>

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paul T. LaVoie (Reg. No.: 38,681) ExxonMobil Chemical Company Law Technology		
Signature	<i>Paul T. LaVoie</i>		
Date	July 16, 2003		

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Typed or printed name	Paul T. LaVoie		
Signature	<i>Paul T. LaVoie</i>	Date	July 16, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

\*\*\*\*\* -COMM -JRNAL- \*\*\*\*\* DATE JUL-16-2003 TIME 09:44 \*\*\*\*\*

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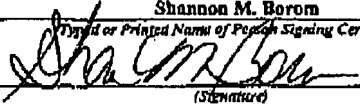
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\*\*\*\*\* -EXLT BPC - \*\*\*\*\* 281 834 0305 \*\*\*\*\*

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): T. Xu, et. al.			2001B068
Serial No. 09/892,207 307	Filing Date June 26, 2001	Examiner T. D. Dang	Group Art Unit 1764
Invention: Production Of Light Olefins From Oxygenate Using Framework Gallium-Containing Medium Pore Molecular Sieve			
I hereby certify that this <u>Trans. Form. Petition 37 CFR 1.181 with Decl. Copy of Resp. 37CFR 1.111 (19pts)</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9310</u> ) on <u>July 16, 2003</u> (Date)			
<div style="text-align: center;">Shannon M. Borom (Typed or Printed Name of Person Signing Certificate)  (Signature)</div>			
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	§	
Application of: Teng Xu, et al	§	Examiner: Thuan D. Dang
	§	
Serial No. 09/892,307	§	Group Art Unit No.: 1764
	§	
Filed: June 26, 2001	§	Attorney Docket No.: 2001B068
	§	
For: Production of Light Olefins	§	Baytown, Texas
from Oxygenated Using	§	
Framework Gallium-	§	Customer No. 23455
Containing Medium Pore	§	
Molecular Sieve	§	

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STATUS INQUIRY

Dear Sir:

Applicants, through their attorney of record, hereby inquire as to the current status of the above referenced application. We have not yet received a response from the U.S. Patent & Trademark Office regarding a PETITION UNDER 37 CFR 1.181 TO WITHDRAW A HOLDING OF ABANDONMENT, mailed on July 16, 2003 (copy attached). If for some reason, an office action has been sent but not received by us, please let us know so that we can respond in a timely manner. Otherwise, we await your formal correspondence in due course.

Respectfully submitted,

Date:

August 2, 2006

Frank E. Reid

Attorney Registration No. 37,918

ExxonMobil Chemical Company  
Law Technology Department  
P. O. Box 2149  
Baytown, Texas 77522  
Telephone (281) 834-1743  
Facsimile (281) 834-2495

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